IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTIN

SUIT NO.809 OF 1997

Digvijay Investments Ltd., ..Plaintiffs

V/s.

M/s.Birla Ericsson Optical Ltd.,& Ors..Defendants

Mr.M.G.Mimani for the plaintiffs.

Coram : S.J.Vazifdar,J

Date : 18.07.2007.

PC

1. The suit is filed for a declaration that the plaintiffs are the sole and absolute owners of 1340 shares of the 1st defendant. The plaintiffs have also sought an order directing defendant nos.1 & 2 to deliver 1000 shares of the said 1340 shares to the plaintiffs and an order directing defendant nos.1 & 2 to issue duplicate share certificate in respect of 340 shares. The plaintiffs have also sought various other consequential reliefs.

2. The plaintiffs' claimed that the said shares were allotted pursuance to the rights issue by defendant no.1. The same were lost. Defendant nos.3 to 12 lodged the said 1000 shares. 340 shares are still not traceable.

3. The plaintiffs' case is that the said shares were never sold by the plaintiffs to defendant nos.3 to 12. No written statement has been filed. There is nothing on record against the plaintiffs' case. This is a fit case for proceeding on the basis that the averments and submissions contained in the plaint are correct.

4. In the circumstances, the suit is decreed in terms of prayer clauses-(a), (b), (c) and (g). Cost to be quantified as per rules.